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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,934	01/13/2004	Peggy Kligman	KLI-03	3480

7590

03/16/2005

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EXAMINER

MENDIRATTA, VISHU K

ART UNIT

PAPER NUMBER

3711

DATE MAILED: 03/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

CM

Office Action Summary	Application No. 10/755,934	Applicant(s) KLIGMAN, PEGGY	
	Examiner Vishu K Mendiratta	Art Unit 3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. Claims 7-9 rejected under 35 U.S.C. 102(b) as being anticipated by Jones (6224056).

Claim 7: Jones teaches a method of playing a board game having steps moving game pieces according to a chance device (4:36-39), landing on category spaces (red, yellow, green, blue, tan), answering questions from cards with corresponding space (3:65-4:5), at least one of the sets of cards stimulating discussion (5:12-17), performing task according to the game card (2:27-32), using an answer guide to determine the correctness and advancing on board (2:4-7), and first player to reach finish space being the winner (6:47-54).

Claim 8: multiple choice cards (Fig.4A), cards stimulating discussions (5:12-17), multiple cards with words (all decks have multiple cards).

Claim 9: All players reach the finish section (6:53-54).

Claim Rejections - 35 USC § 103

2. Claims 10-13 rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Ex. Parte Breslow 192 USPQ 431.

Further with respect to claimed cards with subject matter such as relationship, social interaction etc. the only difference between Jones' cards and applicant's cards resides in meaning and information conveyed by the printed matter and not considered by patentable subject matter Ex. Parte Breslow.

In order to attract players from different sections of society, it would have been obvious to change the theme/subject matter of the game.

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One of ordinary skill in art at the time the invention was made would have suggested a different topic /subject matter making the game interesting for players in different sections of society.

3. Claims 1-6 rejected under 35 U.S.C. 103(a) as being unpatentable over Burroughs (5071134).

Claim 1,2,4,5,6: Burroughs teaches a game board (12) having a path with portions/spaces with indicia to match indicia with cards (abstract), start space (38), playing pieces (64), cards with multiple choices (48), printed instructions (2:60-63), situation cards (50) and various situations (6:5-40), answer guides (2:1-4), random device (28). Burroughs also teaches rolling, moving, drawing cards, answering questions and winning (3:18-4:31).

Burroughs teaches all limitations except that it does not teach a game container.

Packing game pieces and articles in boxes and containers is widely used practice to make sure that items are not misplaced. In order to properly secure playing pieces, it would have been obvious to use a container. One of ordinary skill in art would have provided a container to store all items to play a game.

Claim 3: Burroughs indicates at completing a game action within a stipulated amount of time (2:15-18), clearly indicating at use of a timing device. It is also a common practice in the art area of board games to restrict completing game actions in predetermined amount of time to make the game interesting and competitive. One of ordinary skill in art at the time the invention was made would have suggested providing a timing device for keeping a time of track for game actions.

Response to Arguments

4. Applicant's arguments filed 1/10/05 have been fully considered but they are not persuasive. With respect to apparatus claims 1-6, applicant argues that claimed cards have personal questions stimulating discussion. This is subjective and whether a question is personal or not changes from person to person. Further stimulating discussion is the intended use of the apparatus.

5. Applicant's arguments with respect to claims 7-13 have been considered but are moot in view of the new ground(s) of rejection.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishu K Mendiratta whose telephone number is (571) 272-4426. The examiner can normally be reached on Mon-Fri 8AM to 5PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on (571) 272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Vishu K Mendiratta
Primary Examiner
Art Unit 3711

VKM
March 9, 2005